

AMENDED IN SENATE SEPTEMBER 3, 2015

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 914

Introduced by Assembly Member Brown
(Coauthors: Assembly Members Chang, Linder, Mayes, Obernolte,
Rodriguez, and Steinorth)
(Coauthor: Senator Leyva)

February 26, 2015

An act to add Section 149.11 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 914, as amended, Brown. Toll facilities: County of San Bernardino.

Existing law provides for the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles (HOVs). Existing law authorizes the development and implementation of a value-pricing program consisting of high-occupancy toll (HOT) lanes in various corridors under certain circumstances, pursuant to which vehicles that do not meet the vehicle occupancy requirements for use of an HOV lane may use the lane upon payment of a toll.

This bill would authorize the San Bernardino County Transportation Commission to conduct, administer, and operate a value-pricing program that includes HOT lanes and other toll facilities on Interstate Highway Routes 10 and 15 in the County of San Bernardino and, with the agreement of affected transportation agencies, specified extensions and connections into the Counties of Los Angeles and Riverside. The bill would require the toll revenues to be spent for specified transportation purposes and would authorize the commission to issue revenue bonds payable from toll revenues. The bill would require the commission to report to the Legislative Analyst on specified matters within 3 years of commencement of revenue collection from the value-pricing program. The bill would enact other related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 149.11 is added to the Streets and
2 Highways Code, to read:
3 149.11. (a) (1) Notwithstanding Sections 149 and 30800 of
4 this code, and Section 21655.5 of the Vehicle Code, the San
5 Bernardino County Transportation Commission, created pursuant
6 to Section 130054 of the Public Utilities Code, may conduct,
7 administer, and operate a value-pricing program in the Interstate
8 10 and Interstate 15 corridors in the County of San Bernardino.
9 The value-pricing program may include high-occupancy toll lanes
10 or other toll facilities. The San Bernardino County Transportation
11 Commission may also extend the program to include the
12 approaching and departing connectors on Interstate 10 extending
13 into the County of Los Angeles, as designated by an agreement
14 with the Los Angeles County Metropolitan Transportation
15 Authority, and the connection to the Interstate 15 express lanes
16 project in the County of Riverside, as designated by an agreement
17 with the Riverside County Transportation Commission. The San
18 Bernardino County Transportation Commission may exercise its
19 existing powers of eminent domain pursuant to Section 130220.5
20 of the Public Utilities Code to acquire property necessary to carry
21 out the purposes of the value-pricing program.
22 (2) The value-pricing program authorized pursuant to paragraph
23 (1) may only be implemented upon a determination that the

1 program and the resulting facilities will improve the performance
2 of the affected corridors. Improved performance may be
3 demonstrated by factors that include, but are not limited to,
4 increased passenger throughput or improved travel times. The San
5 Bernardino County Transportation Commission shall make the
6 determination required by this paragraph in a public meeting prior
7 to operation of the value-pricing program.

8 (3) The San Bernardino County Transportation Commission
9 shall have the authority to set, levy, and collect tolls, user fees, or
10 other similar charges payable for the use of the toll facilities in the
11 County of San Bernardino, and any other incidental or related fees
12 or charges, and to collect those revenues, in a manner determined
13 by the San Bernardino County Transportation Commission, in
14 amounts as required for the following expenditures relative to the
15 program and for the purposes of paragraph (4):

16 (A) ~~Capital outlay~~, *Development*, including the costs of design,
17 construction, right-of-way acquisition, and utilities adjustment.

18 (B) Operations and maintenance, including, but not limited to,
19 insurance, collection, and enforcement of tolls, fees, and charges.

20 (C) ~~Repair and rehabilitation~~. *Repair, rehabilitation, and*
21 *reconstruction.*

22 (D) Indebtedness incurred and internal loans and advances,
23 including related financial costs.

24 ~~(E) Reserves.~~

25 ~~(F)~~

26 (E) Administration, which shall not exceed 3 percent of the
27 revenues of toll facilities and associated transportation facilities.

28 (F) *Reserves for the purposes described in subparagraphs (A)*
29 *to (E), inclusive.*

30 (4) All revenue generated pursuant to paragraph (3) in excess
31 of the expenditure needs of that paragraph shall be used exclusively
32 for the benefit of the transportation corridors included in the
33 value-pricing program created pursuant to this section. These
34 excess revenue expenditures shall be described in an excess revenue
35 expenditure plan *developed in consultation with the department*
36 *and* adopted and periodically updated by the board of directors of
37 the San Bernardino County Transportation Commission and may
38 include, but need not be limited to, the following eligible
39 expenditures:

1 (A) Expenditures to enhance transit service designed to reduce
2 traffic congestion within the transportation corridors included in
3 the value-pricing program created pursuant to this section. Eligible
4 expenditures include, but are not limited to, transit operating
5 assistance, the acquisition of transit vehicles, and transit capital
6 improvements otherwise eligible to be funded under the state
7 transportation improvement program pursuant to Section 164.

8 (B) Expenditures to make operational or capacity improvements
9 designed to reduce traffic congestion or improve the flow of traffic
10 in the transportation corridors included in the value-pricing
11 program created pursuant to this section. Eligible expenditures
12 include, but are not limited to, any phase of project delivery to
13 make capital improvements to on ramps, off ramps, connector
14 roads, roadways, bridges, or other structures that are necessary for
15 or related to the tolled or nontolled transportation facilities in the
16 transportation corridors included in the value-pricing program
17 created pursuant to this section.

18 (5) To the extent the San Bernardino County Transportation
19 Commission plans to extend the value-pricing program into the
20 Counties of Los Angeles or Riverside, it shall enter into an
21 agreement with the Los Angeles County Metropolitan
22 Transportation Authority or the Riverside County Transportation
23 Commission, as applicable, subject to approval of the board of
24 directors of the San Bernardino County Transportation Commission
25 and the board of directors of the affected entity. If the value-pricing
26 program developed and operated by the San Bernardino County
27 Transportation Commission connects to, or is near, similar toll
28 facilities constructed and operated by the Los Angeles County
29 Metropolitan Transportation Authority or the Riverside County
30 Transportation Commission, the respective entities shall enter into
31 an agreement providing for the coordination of the toll facilities
32 operated by each entity.

33 (b) (1) The San Bernardino County Transportation Commission
34 shall carry out the program in cooperation with the *Department of*
35 *the California Highway Patrol pursuant to an agreement that*
36 *addresses all matters related to enforcement on state highway*
37 *system facilities in connection with the value-pricing program,*
38 *and with the department pursuant to a cooperative an agreement*
39 *that addresses all matters related to the design, construction,*
40 *maintenance, and operation of state highway system facilities in*

1 connection with the value-pricing ~~program~~ *program, including,*
2 *but not limited to, financing, repair, rehabilitation, and*
3 *reconstruction.*

4 (2) *The San Bernardino County Transportation Commission*
5 *shall be responsible for reimbursing the department and the*
6 *Department of the California Highway Patrol for costs related to*
7 *the toll facility pursuant to an agreement between the San*
8 *Bernardino County Transportation Commission and the department*
9 *and between the San Bernardino County Transportation*
10 *Commission and the Department of the California Highway Patrol.*

11 (c) Single-occupant vehicles that are certified or authorized by
12 the San Bernardino County Transportation Commission for entry
13 into, and use of, the high-occupancy toll lanes implemented
14 pursuant to this section are exempt from Section 21655.5 of the
15 Vehicle Code, and the driver shall not be in violation of the Vehicle
16 Code because of that entry and use.

17 ~~(d) Agreements between the San Bernardino County~~
18 ~~Transportation Commission, the department, and the Department~~
19 ~~of the California Highway Patrol shall identify the respective~~
20 ~~obligations, liabilities, and responsibilities of each entity. The~~
21 ~~agreements shall provide for reimbursement of state agencies, from~~
22 ~~revenues generated by the program or other funding sources that~~
23 ~~are not otherwise available to state agencies for~~
24 ~~transportation-related projects, or for costs incurred in connection~~
25 ~~with the implementation or operation of the program.~~

26 (e)

27 (d) (1) The San Bernardino County Transportation Commission
28 may issue bonds at any time to finance any costs necessary to
29 implement the program established pursuant to this section and
30 any expenditures provided for in paragraphs (3) and (4) of
31 subdivision (a), payable from the revenues generated from the
32 program and any other sources of revenues available to the
33 ~~commission~~ *San Bernardino County Transportation Commission*
34 that may be used for these purposes, including, but not limited to,
35 sales tax revenue, development impact fees, or state and federal
36 grants.

37 (2) The maximum bonded indebtedness that may be outstanding
38 at any one time shall not exceed an amount that may be serviced
39 from the projected revenues available as described in paragraph
40 (1).

1 (3) The bonds shall bear interest at a rate or rates not exceeding
2 the maximum allowable by law, payable at intervals determined
3 by the ~~commission~~. *San Bernardino County Transportation*
4 *Commission*.

5 (4) Any bond issued pursuant to this subdivision shall contain
6 on its face a statement to the following effect:

7 “Neither the full faith and credit nor the taxing power of the
8 State of California is pledged to the payment of principal of, or
9 interest on, this bond.”

10 (5) Bonds shall be issued pursuant to a resolution of the
11 governing board of the ~~commission~~ *San Bernardino County*
12 *Transportation Commission* adopted by a majority vote of its
13 governing board. The resolution or bond authorizing instrument
14 shall state all of the following:

15 (A) The purposes for which the proposed debt is to be incurred.

16 (B) The estimated cost of accomplishing those purposes.

17 (C) The amount of the principal of the indebtedness.

18 (D) The maximum term of the bonds and the maximum interest
19 rate.

20 (E) The denomination or denominations of the bonds, which
21 shall not be less than five thousand dollars (\$5,000).

22 (F) The form of the bonds.

23 ~~(f)~~

24 (e) Not later than three years after the San Bernardino County
25 Transportation Commission first collects revenues from the
26 program authorized by this section, the ~~commission~~ *San*
27 *Bernardino County Transportation Commission* shall submit a
28 report to the Legislative Analyst on its findings, conclusions, and
29 recommendations concerning the program. The report shall include
30 an analysis of the effect of the transportation facilities on the
31 adjacent mixed-flow lanes and any comments submitted by the
32 department and the Department of the California Highway Patrol
33 regarding operation of the transportation facilities.

34 ~~(g)~~

35 (f) This section shall not prevent the department or any local
36 agency from constructing improvements in the transportation
37 corridors that compete with the program, and the San Bernardino
38 County Transportation Commission shall not be entitled to
39 compensation for the adverse effects on toll revenue due to those
40 competing improvements.

1 ~~(h)~~

2 (g) If any provision of this section or the application thereof is
3 held invalid, that invalidity shall not affect other provisions or
4 applications of this section that can be given effect without the
5 invalid provision or application, and to this extent the provisions
6 are severable.

7 ~~(i)~~

8 (h) Nothing in this section shall authorize the conversion of any
9 existing nontoll or nonuser-fee lanes into tolled or user-fee lanes,
10 except that a high-occupancy vehicle lane may be converted into
11 a high-occupancy toll lane.

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